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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, the claim 5 recites the following limitation in line 12: "computes the optimum Cycle Per Minute of a corresponding user", which is confusing. Claims 1 and 5 include a term "tall" which is confusing. For the purpose of examination Examiner interprets the term "tall" as "height".

Claim 1 line 6 includes the following phrase: "in accordance with a control the user", which appears to be misspelled.

Claims 1, 2, and 5 includes the phrase "such as", which renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 1 and 5, the phrase "etc." renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by

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"etc."), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claims 1 and 5 include the following term: "weight". It is not clear which weight is considered, a weight of a club head, or a user.

Claim 5 recites the limitation "a basic information data" twice: in line 4 and line 7, which is confusing.

Furthermore, claim 5 recites the limitation "the basic information items" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Furthermore, claim 5 recites the limitation "by the brands" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites "a step in which after the relationship of the CPM with respect to each basic information is computed, the optimum CPM computation unit of the server computer provides different weights by the basic information items based on a correlation between each basic information item and the optimum CPM" which is vague and confusing. It is not clear what does the phrase "relationship of the CPM with respect to each basic information inputted" actually contemplates.

Preliminary Note.

Examiner understands the phrase "such as age, tall, weight, grasping power, career, flying distance by the clubs, swing speed" as: "the at least one of: age, tall, weight, grasping power, career, flying distance by the clubs, swing speed".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (US 5,722,899) in view of Solheim (US 2002/0077956).

Claim 5. Cheng teaches a method for making a matched set of golf clubs utilizing frequency conversion values, wherein the optimum weighted frequency (in cycles per minute (CPM)) is determined based on a desired club head weight inputted for a selected shaft and a desired vibration frequency selected for a user, and wherein said optimum weighted CPM is computed by comparing with basic (initial) weighted CPM computed for randomly selected shafts (col. 2, lines 15-45; col. 3, lines 40-64).

However, Cheng does not specifically teach that said CPM is calculated using basic information including at least one of age, tall, weight, grasping power, career, flying distance by the clubs or swing speed inputted by the user.

Solheim teaches a method for selling golf clubs wherein the manufacturer's server provides an estimate as to whether the clubs can be fitted to the user using basic information such as the user's height and other pertinent information [0006].

Furthermore, Solheim teaches:

(1) a step in which a member connection of a user computer that connected with a server computer through a communication network is performed, and a certain form data is outputted to a corresponding user computer for inputting a basic information data used for computing the optimum CPM (Cycle Per Minute) in accordance with an optimum CPM computation request of the user computer [0016];

(2) a step in which when a basic information data such as age, tall, weight, grasping power, career, flying distance by the clubs, swing speed, etc. is inputted from the user computer, the server computer provides different weights by the basic information items in accordance with a correlation between each basic information item and the optimum CPM based on the CPM data with respect to each previously stored basic information and computes the optimum CPM of a corresponding user [0016];

(3) a step in which the server computer extracts, from the golf club database, a product list by the brands proper to the optimum CPM of a corresponding user computed based on the basic information data inputted from the user computer and outputs to a corresponding computer [0016]; and

(4) a step in which when a purchase data of a specific golf club is inputted from the user computer that received the product list by the brands proper to the optimum CPM, the server computer requests a cost payment and performs the cost payment based on the golf club purchase based on the cost payment data inputted from the user computer and controls an operation that the golf club is delivered to the address that a

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corresponding user inputted ([0016], [0019], providing shipping information indicates delivery of the purchased items).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cheng to include the computation steps as disclosed in Solheim, because it would advantageously allow to provide a user with a golf club having certain club characteristics including vibration frequency optimized for the selected club (Cheng; col. 1, lines 7-12, 38-45).

Claim 7. Cheng teaches said method, wherein the optimum weighted frequency (in cycles per minute (CPM)) is determined based on a desired club head weight inputted for a selected shaft and a desired vibration frequency selected for a user, and wherein said optimum weighted CPM is computed by comparing with basic (initial) weighted CPM computed for randomly selected shafts (col. 2, lines 15-45; col. 3, lines 40-64).

Solheim teaches said method, including the sub-steps of:

(2-1) a step in which the server computer judges whether a basic information data is inputted from the user computer for computing the optimum CPM [0016];

(2-2) a step in which as a result of the judgment, when a basic information data is inputted from the user computer for computing the optimum CPM, the server computer stores a basic information data for computing the optimum CPM inputted from the user computer into the member management database [0016];

(2-3) a step in which the optimum CPM computation unit of the server computer computes a relationship of the CPM with respect to each basic information inputted from the user computer based on the CPM data with respect to each basic information stored in the CPM database [0016];

(2-5) a step in which the optimum CPM computation unit of the server computer computes the optimum CPM of a corresponding user based on different weights by the basic information item provided in the step (2-4);

(2-6) a step in which the server computer stores the optimum CPM of a corresponding user computed by the optimum CPM computation unit and outputs to a corresponding user computer, so that the user can check the optimum CPM proper to the user [0016].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cheng to include the computation steps as disclosed in Solheim, because it would advantageously allow to provide a user with a golf club having certain club characteristics including vibration frequency optimized for the selected club (Cheng; col. 1, lines 7-12, 38-45).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cheng and Solheim, as applied to claim 5, in view of Kim et al. (US 2001/0011235).

Claim 6. Cheng and Solheim teaches said method wherein said step (1) includes the sub-steps of:

(1-1) a step in which the server computer requests a member log-in or new member registration to the user computer that is connected with the server computer through the communication network (Fig. 2);

(1-6) a step in which the server computer judges whether an optimum CPM computation request data is inputted from the user computer that performed the member connection [0016]; and

(1-7) a step in which as a result of the judgment, when an optimum CPM computation request data is inputted from the user computer, the server computer outputs a certain form data to a corresponding user computer for inputting a basic information data for an optimum CPM computation [0016].

However Cheng and Solheim does not teach:

(1-2) a step in which the server computer judges whether a member log-in data is inputted from the user computer or a new member registration selection data is inputted from the user computer;

(1-3) a step in which as a result of the judgment, when a member log-in data is inputted from the user computer, the inputted data is compared with a log-in data of a corresponding user stored in the member management database, so that a member connection is performed;

(1-4) a step in which as a result of the step 1-2, when a new member registration selection data is inputted from the user computer, the server computer outputs a certain form data for a new member registration to a corresponding user computer;

(1-5) a step for storing a log-in information and personal information inputted by the user in accordance with a certain form data into the member management database, performing a new member registration process and requesting a reconnection.

Kim et al. (hereinafter Kim) teaches a method of analyzing customer information wherein the system judges whether the logged-in user is a regular member, or a new user. In case if the user is a non-member, the web server proceeds with a new member registration to store the member registration data to the user inputs [0042], [0144], [0145].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cheng and Solheim to include a feature of checking if the logged-in user is a regular member, or a new user, and in case if a non-member, the web server proceeds with a new member registration to store the member registration data to the user inputs, as disclosed in Kim, because it would advantageously allow to use provided data for optimizing golf club characteristics for said new users.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cheng and Solheim, in view of Williams (US 2002/0049508).

Claim 8. Cheng and Solheim teaches said method wherein said step (3) includes the sub-steps of:

(3-1) a step in which the server computer extracts a product list by in a permissible error range of the optimum CPM of a corresponding user computed in the step (2) among the product lists by each brand stored in the golf club database [0016];

(3-2) a step in which the server computer classifies the product lists extracted in the step (3-1) in a sequence most proper to the optimum CPM of a corresponding user [0016];

(3-3) a step in which the server computer generates a diagnosis data of a golf club proper to a corresponding user based on the optimum CPM of a corresponding user computed in the step (2) [0016]; and

(3-4) a step in which the server computer outputs the product list classified in a sequence most proper to the optimum CPM of a corresponding user in the step (3-2) and the diagnosis data generated in the step (3-3) to a corresponding user computer, respectively [0016].

However, Cheng and Solheim does not teach that said golf clubs are classified by the brands.

Williams teaches a method for providing a virtual match of golf wherein the user may view an on-line catalog for particular brand golf clubs [0100].

The motivation to combine Cheng, Solheim and Williams would be to offer variety of products to the customer.

Claim 9. Cheng and Soheim teaches said method wherein said step (4) includes the sub-steps of:

(4-1) a step in which the server computer judges whether a purchase data of a specific golf club is inputted from the user computer that received the product list proper to the optimum CPM [0016];

(4-2) a step in which as a result of the judgment, when a purchase data of the golf club is inputted, the cost payment unit of the server computer outputs a cost payment request data for paying the specific golf club selected by the user to the user computer [0019];

(4-3) a step in which the server computer judges whether a cost payment data is inputted from the user computer based on the purchase of the specific golf club [0019];

(4-4) a step in which as a result of the judgment, when the cost payment data is inputted from the user computer based on the purchase of the specific golf club, the cost payment unit of the server computer processes a payment of the cost through a payment method selected by the user [0019];

(4-5) a step in which the server computer generates a delivery data for delivering the specific golf club selected by the user to the address that the user inputted, after the user pays the cost through the payment method selected by the user [0019];

(4-6) a step in which the server computer outputs the delivery data generated in the step 4-5 to the server that manages the delivery [0019]; and

(4-7) a step in which the server computer checks the completion of the delivery of the golf club purchased by the user and finishes the service [0019].

However, Cheng and Solheim does not teach that said golf clubs are classified by the brands.

Williams teaches a method for providing a virtual match of golf wherein the user may view an on-line catalog for particular brand golf clubs [0100].

The motivation to combine Cheng, Solheim and Williams would be to offer variety of products to the customer.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US 2002/0004723 to Meifu discloses a golf data management system, data center, and method of managing golf data.

(ii) US 2003/0008731 to Anderson discloses an automated method and system for golf club selection based on swing type.

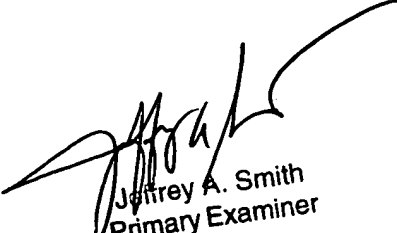
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on (571)272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MA



Jeffrey A. Smith
Primary Examiner